

KATHY A. DOCKERY
CHAPTER 13 TRUSTEE
801 S. FIGUEROA ST., SUITE 1850
LOS ANGELES, CA 90017
PHONE: (213) 996-4400
FAX: (213) 996-4426

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

IN RE:

MURIEL ANN CARR

DEBTOR(S).

Case No: 2:17-bk-11281-NB

CHAPTER 13

**TRUSTEE'S NOTICE OF MOTION AND MOTION TO
DISMISS CHAPTER 13 CASE DUE TO DELINQUENT
PLAN PAYMENTS PURSUANT TO §1307(c)(6) AND
L.B.R. 3015-1(k)(1)); DECLARATION OF KATHY A.
DOCKERY IN SUPPORT THEREOF**

DATE: April 18, 2019

TIME: 11:00 am

PLACE: ROYBAL BUILDING
Courtroom 1545 15th Floor
255 EAST TEMPLE STREET
LOS ANGELES, CA 90012

TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE, THE DEBTOR(S)

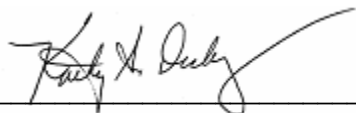
AND ALL OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE that the Chapter 13 Trustee, Kathy A. Dockery, hereby moves for an order dismissing this case pursuant to 11 U.S.C. §1307(c)(6) and Local Bankruptcy Rule 3015-1(k)(1) due to delinquent plan payments which has caused a material default with respect to the terms of the confirmed plan (hereinafter "Motion"). As of the date of service of this motion, the Debtor(s) is delinquent on scheduled plan payments in the amount \$4,026.04, however it is estimated that only an additional \$0.00 is required as of today to enable pay-off of all the remaining allowed claims at 100%.

Pursuant to Local Bankruptcy Rule 9013-1(f)(1), notice is further given that any person opposing this motion shall, not later than fourteen (14) days prior to the above-referenced hearing date, serve upon the Chapter 13 Trustee and file with the clerk's office, a written statement explaining all reasons in opposition thereto.

This Motion is based on this Notice, the Exhibits attached hereto and incorporated herein, the Declaration of Kathy A. Dockery and any further argument and evidence offered at the hearing.

DATED: 2/21/2019


Kathy A. Dockery, Chapter 13 Trustee

DECLARATION OF KATHY A. DOCKERY

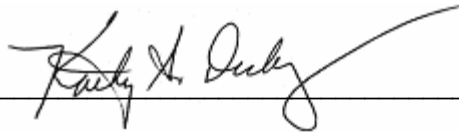
I, Kathy A. Dockery, declare as follows:

1. I am the duly appointed, qualified and standing Chapter 13 Trustee in this case and by virtue thereof, I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called to do so.

2. As of the date of service of this Motion, the Debtor(s) is delinquent on scheduled plan payments in the amount of \$4,026.04, however it is estimated that only an additional \$0.00 is required as of today to enable pay-off of all the remaining allowed claims at 100%. A true and correct copy of this case's status report at the time of service of this motion is attached hereto and incorporated herein by reference as Exhibit "A".

I declare, under penalty of perjury, that the foregoing is true and correct.

DATED: 2/21/19

A handwritten signature in black ink, appearing to read "Kathy A. Dockery", is written over a horizontal line.

KATHY A. DOCKERY, CHAPTER 13 TRUSTEE

MURIEL ANN CARR

2:17-bk-11281-NB

DELINQUENCY REPORT AS OF February 21, 2019

Total Bankruptcy Payments Required: \$27,372.19

Total Bankruptcy Payments Received: \$27,372.19

Total Delinquent Amount: \$4,026.04

BANKRUPTCY PAYMENTS RECEIVED

TOTAL BANKRUPTCY PAYMENTS AS OF February 21, 2019:\$27,372.19

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
3/8/17	\$1,244.58	4/6/17	\$1,244.58	5/8/17	\$1,244.58	6/8/17	\$1,244.58		
7/11/17	\$1,244.58	8/9/17	\$1,244.58	9/8/17	\$1,244.58	10/6/17	\$1,244.58		
11/8/17	\$1,245.00	12/7/17	\$1,244.58	1/9/18	\$1,244.58	2/7/18	\$1,244.58		
3/7/18	\$1,244.58	4/6/18	\$1,244.58	5/8/18	\$1,244.58	6/6/18	\$1,244.58		
7/10/18	\$1,235.59	8/8/18	\$1,244.58	9/6/18	\$1,244.58	10/9/18	\$1,244.58		
11/8/18	\$1,244.58	12/6/18	\$1,244.58						

BANKRUPTCY PAYMENTS REGISTER

TERM: 36 Months

<u>PAYMENT #</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>PAYMENT #</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>PAYMENT #</u>	<u>DATE</u>	<u>AMOUNT</u>
1	3/04/17	\$1,244.58	21	11/04/18	\$1,245.00			
2	4/04/17	\$1,245.00	22	12/04/18	\$1,245.00			
3	5/04/17	\$1,245.00	23	1/04/19	\$1,245.00			
4	6/04/17	\$1,245.00	24	2/04/19	\$1,245.00			
5	7/04/17	\$1,245.00	25	3/04/19	\$1,245.00			
6	8/04/17	\$1,245.00	26	4/04/19	\$1,245.00			
7	9/04/17	\$1,245.00	27	5/04/19	\$1,245.00			
8	10/04/17	\$1,245.00	28	6/04/19	\$1,245.00			
9	11/04/17	\$1,245.00	29	7/04/19	\$1,245.00			
10	12/04/17	\$1,245.00	30	8/04/19	\$1,245.00			
11	1/04/18	\$1,245.00	31	9/04/19	\$1,245.00			
12	2/04/18	\$1,245.00	32	10/04/19	\$1,245.00			
13	3/04/18	\$1,245.00	33	11/04/19	\$1,245.00			
14	4/04/18	\$1,245.00	34	12/04/19	\$1,245.00			
15	5/04/18	\$1,245.00	35	1/04/20	\$1,245.00			
16	6/04/18	\$1,245.00	36	2/04/20	\$1,245.00			
17	7/04/18	\$1,245.00						
18	8/04/18	\$1,245.00						
19	9/04/18	\$1,245.00						
20	10/04/18	\$1,245.00						

In re: **MURIEL ANN CARR**

CHAPTER: 13

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Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

801 S. Figueroa Street, Suite 1850
Los Angeles, California 90017

A true and correct copy of the foregoing document described as "TRUSTEE'S NOTICE OF MOTION AND MOTION TO DISMISS CHAPTER 13 CASE DUE TO DELINQUENT PLAN PAYMENTS PURSUANT TO §1307(C)(6) AND L.B.R. 3015-1(K)(1)); DECLARATION OF KATHY A. DOCKERY IN SUPPORT THEREOF", will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

☐

Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On 2/22/19, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

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Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

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Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct .

2/22/19

Katherine Bamaca

Date

Type Name

Katherine Bamaca
Signature

In re: **MURIEL ANN CARR**

CHAPTER: 13

CASE NUMBER: **2:17-bk-11281-NB**

Service List

Muriel Ann Carr
1610 N. Navarro Blvd
Pasadena, CA 91103

ROBERTSON, ANSCHUTZ & SCHNEID, P.L.
BANKRUPTCY DEPARTMENT
6409 CONGRESS AVE STE 100
BOCA RATON, FL 33487

THE LAW OFFICES OF JULIUS JOHNSON &
ASSOCIATES INC
2476 N LAKE AVENUE
ALTADENA, CA 91001

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

January 2009

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